FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITON NO. 1513 OF 2007

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr. Dhanuri i/by M.V. Kini and Co. for petitioner.
Mr. D.R. More, APP for State.

CORAM: B.H. MARLAPALLE,J.

17/08/2007.

P.C.:

. Heard. The petitioner is aggrieved by the order of process issued on 6/9/2003 in C.C. No.4460/03, 9/10/2003 in C.C. No.3993/03 and on 29/6/04 in C.C. No.3999/04. These complaints have been subsequently registered as C.C. Nos.4460/S/05, 3993/S/05 and 3999/S/05. It is not only that the petitioner has approached belatedly to this court but indeed when the order of process could have been challenged by filing a Criminal Revision Application before the Sessions Court, the petitioner intends to seek relief directly from this court invoking Article 227 of the Constitution read with Section 482 of

Cr.P.C. In addition, in three different complaints when the process was issued and when the petitioner seeks to challenge the said order, it is necessary for him to file three separate applications/petitions.

. Be that as it may, this court has consistently taken a view as set out in the case of V.K.Jain and ors. vs. Pratap V. Padode [2005 (3) Mh.L.J. 778] that when an equally efficacious alternative remedy of filing a Criminal Revision Application is available, a writ petition under Article 227 of the Constitution need not be entertained and, therefore, the petitioner's remedy lies by filing Revision Application under Section 397 of Cr.P.C. before the Sessions Court and along with an application for condonation of delay.

. The learned counsel for the petitioner referred to an order passed by this court on 11/7/2007 in Cri.W.P. No.2561/04. It was noted specifically in the said order that in the normal course the petitioner would be required to approach the Sessions Court but

keeping in mind the fact that the petition was pending for more than three years at the admission stage itself, the petition was entertained so as to decide it at the earliest possible.

. In this petition, the petitioner has not only approached the court belatedly but he has an equally efficacious alternative remedy to approach the Sessions Court by filing a Criminal Revision Application.

. Hence the petition is disposed with liberty to approach to the Sessions Court.

(B.H. Marlapalle,J.)